

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILBURN R. GUILLORY,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 13-cv-05357 RJB

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 22.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

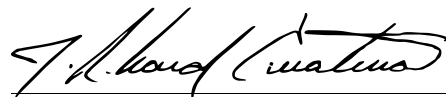
1 On remand, based on the parties' stipulation, this Court recommends that a *de novo*  
2 hearing be held before an administrative law judge (ALJ), and plaintiff may raise any issue. The  
3 ALJ will perform the sequential evaluation process for the period of January 31, 2004 through  
4 December 31, 2006 without a presumption of continuing nondisability, pursuant to *Chavez v.*  
5 *Bowen*, 844 F.2d 691 (9th Cir. 1988). The ALJ will obtain services of a medical expert; reassess  
6 plaintiff's residual functional capacity; and obtain vocational expert testimony, using the new  
7 residual functional capacity assessment.

8 Following proper presentation, this Court will consider plaintiff's application for costs  
9 and attorney's fees pursuant to 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

10 JUDGMENT should be entered for Plaintiff, and this case should be closed.

11 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
12 immediately approve this Report and Recommendation and order that the case be **REVERSED**  
13 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

14 Dated this 13th day of December, 2013.

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17 J. Richard Creatura  
18 United States Magistrate Judge  
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